

B. C. asks the Utah Labor Commission to review Administrative Law Judge George's denial of Mr. C.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12 and Utah Code Ann. §34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

Mr. C. filed an application for hearing on January 11, 2001, to compel C. R. England and its workers' compensation insurance carrier, American Protection Insurance Co. (referred to jointly as "England" hereafter), to pay workers' compensation benefits for injuries Mr. C. allegedly incurred while employed by England.

Judge George held an evidentiary hearing on Mr. C.'s claim on October 30, 2001. On October 1, 2003, Judge George appointed a medical panel to consider the medical aspects of the claim. The panel submitted its report to Judge George on November 7, 2003. In summary, the medical panel found no medical causal connection between Mr. C.'s injuries and his work at England. On July 7, 2004, Judge George issued his decision accepting the medical panel's report and denying Mr. C.'s claim.

Mr. C. now requests Commission review of Judge George's decision. Specifically, Mr. C. contends that the preponderance of evidence establishes a medical causal connection between his work and his injuries.

FINDINGS OF FACT

The Commission adopts the findings of fact set out in Judge George's decision. With respect to the question of medical causation, which is the central issue raised in Mr. C.'s motion for review, the Commission agrees with Judge George that the medical panel's opinion is persuasive. The Commission therefore concurs with Judge George's determination that Mr. C.'s work at C. R. England was not the medical cause of the injuries for which he now seeks benefits.

DISCUSSION AND CONCLUSION OF LAW

The Utah Workers' Compensation Act provides benefits for workers injured by accident arising out of and in the course of employment. One of the elements that an applicant must prove in order to establish that his or her injuries "arose out of and in the course of employment" is that the work is the medical cause of the injuries.

For the reasons discussed above, the Commission has determined that Mr. C.'s work at C. R. England was not the medical cause of his injuries. The Commission therefore concludes that the

injuries did not arise out of and in the course of employment. Consequently, Mr. C. is not entitled to benefits for those injuries.

ORDER

The Commission affirms Judge George's decision and denies Mr. C.'s motion for review. It is so ordered.

Dated this 21st day of July, 2005.

R. Lee Ellertson, Commissioner